

Chevy Chase Village Board of Managers' Meeting

April 11, 2016

Note: These minutes reflect the Board's actions only, and do not include remarks made by members of the Board of Managers, Legal Counsel, Village Staff or others in attendance.

BOARD OF MANAGERS

Michael L. Denger, Chair	Present
Elissa A. Leonard, Vice Chair	Present
Richard M. Ruda, Secretary	Present
David L. Winstead, Assistant Secretary	Present
Gary Crockett, Treasurer	Present
Robert C. Goodwin, Jr., Assistant Treasurer	Present
Minh Le, Board Member	Present

STAFF

Shana R. Davis-Cook, Village Manager	Present
John Fitzgerald, Police Chief	Present
Michael Younes, Director of Municipal Operations	Present
Demetri Protos, Finance Director	Present
Ellen Sands, Permitting & Code Enforcement Coordinator	Present
Melissa Wiak, Community Liaison/Administrative Assistant	Present

COUNSEL

Suellen M. Ferguson, Village Counsel	Present
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Mr. Denger, Chair of the Board of Managers, called the meeting to order at 7:31 p.m.

Mr. Denger stated that the Village Board had met in closed session prior to the regular meeting pursuant to Section 10-508(a) (4) and (7) of the General Provisions Article, Annotated Code of Maryland, to discuss proposed modifications at the Chevy Chase Center site and related site plan amendments. Mr. Denger, Ms. Leonard, Mr. Crockett, Mr. Goodwin, Mr. Ruda, Mr. Winstead and Ms. Le were in attendance along with Ms. Davis-Cook and Ms. Ferguson. Mr. Denger stated that no actions were taken by the Board during the closed session.

Approval of Minutes from the Board's Regular Meeting held on March 14, 2016

Minutes of the Board's regular meeting held on March 14, 2016 were circulated to the Board prior to the meeting.

Mr. Crockett moved to approve the minutes of the Board of Managers' regular monthly meeting held on March 14, 2016. Mr. Goodwin seconded the motion. Mr. Denger, Ms. Leonard, Mr. Crockett, Mr. Goodwin, Mr. Ruda, Mr. Winstead and Ms. Le voted in favor of the motion. The motion passed.

Variance Requests

- **Continuance: A-6887: Mr. William Robert Maloni & Ms. Heidi Wynn Maloni, Trustees under the William Robert Maloni Living Trust, 5 Chevy Chase Circle**

Maintain a structure which was installed in the front yard of the property and which encroaches nineteen feet, six inches (19'-6") forward of the twenty-five (25) front (Grafton Street) building restriction line.

Mr. William Maloni, Sr. and Mr. William Maloni, Jr. presented the case. Discussion followed.

Mr. Denger moved to deny the Variance request in Case A-6887 on the basis that the evidence presented, including the Staff Report and Case Synopsis, demonstrates that the applicable requirements for approval of the Variance have not been met. Staff is directed to draft a decision based on this evidence, including findings of fact and conclusions denying the Variance request. Mr. Ruda seconded the motion. Mr. Denger, Ms. Leonard, Mr. Goodwin, Mr. Ruda and Mr. Winstead voted in favor of the motion. Mr. Crockett and Ms. Le voted in opposition to the motion. The motion passed.

- **A-6888 (Special Permit Request): Mr. John J. Campanella & Ms. Kathleen M. Campanella, 5910 Cedar Parkway**

Maintain a wall which was constructed in the Cedar Parkway public right-of-way and which is located ten (10) inches from the public sidewalk.

Mr. Crockett moved to approve the Special Permit request in Case A-6888 on the basis that the evidence presented, including the Staff Report and Case Synopsis, demonstrates that the applicable requirements for approval of the Special Permit have been met. Staff is directed to draft a decision based on this evidence, including findings of fact and conclusions, approving the Special Permit Request. Ms. Le seconded the motion. Mr. Denger, Ms. Leonard, Mr. Crockett, Mr. Goodwin, Mr. Ruda, Mr. Winstead and Ms. Le voted in favor of the motion. The motion passed.

- **A-6889 (modification): Mr. John J. Campanella & Ms. Kathleen M. Campanella, 5910 Cedar Parkway**

Modify a previously approved Special Permit request to expand an existing gravel driveway from a maximum width of sixteen (16) feet to a maximum width of twenty-one feet, eleven inches (21'-11") on private property. The Village Board previously approved a Special Permit allowing the driveway to be expanded to a maximum of nineteen feet, eleven inches (19'-11") which was not installed.

Mr. Crockett moved to approve the Special Permit request in Case A-6889-modification on the basis that the evidence presented, including the Staff Report and Case Synopsis, demonstrates that the applicable requirements for approval of the Special Permit have been met. Staff is directed to draft a decision based on this evidence, including findings of fact and conclusions, approving the Special Permit Request. Ms. Le seconded the motion. Mr. Denger, Ms. Leonard, Mr. Crockett, Mr. Goodwin, Mr. Ruda, Mr. Winstead and Ms. Le voted in favor of the motion. The motion passed.

Treasurer's Report

The Treasurer's Report was distributed to the Board and posted to the Village website prior to the meeting. Discussion followed. *No formal action was taken by the Board.*

Public Hearing: Draft Budget for the Fiscal Year Beginning July 1, 2016 (FY2017)

The draft budget for fiscal year beginning July 1, 2016 (FY2017), as amended following the Board's February 22, 2016 Budget Work Session and March 14, 2016 regular meeting, was circulated to the Board and posted to the Village website prior to the meeting. Discussion followed.

No comments were heard from the floor and no action was taken by the Board. The Board will vote to adopt the FY2017 Operating & Capital Budget and property tax rates during the Annual Meeting on Monday, April 18, 2016.

Matters Presented for Board Discussion and Possible Action (where required)

- **Report from the Village Arborist: PEPCO's Proposed Tree Pruning & Removals**

The Village's arborist, Dr. Tolbert Feather's, report was distributed to the Board and posted to the Village website prior to the meeting. Discussion followed. *No formal action was taken by the Board.*

- **Introduced and Presented for Adoption: Resolution No. 04-01-16: FY2016 Budget Amendment No. 4:** An Ordinance to Rename the "Park Development Project" line item in the Capital Budget "Park and Greenspace Development Projects"; authorize a donation to the Somerset Elementary School Foundation for the replacement of the school's turf field; transfer \$43,100 from the "Village Boundary Survey" line item in the Capital Budget to the "Laurel Park and W. Kirke Intersection" line item in the Capital Budget to fund the project; transfer \$13,350 from the "Village Boundary Survey" line item in the Capital Budget to the "Western Grove Park" line item in the Capital Budget to fund the Village's contribution to the Maryland-National Capital Park and Planning Commission for the development of Western Grove Park.

Mr. Goodwin moved to approve Resolution No. 04-01-16, as drafted. Ms. Leonard seconded the motion. Mr. Denger, Ms. Leonard, Mr. Crockett, Mr. Goodwin, Mr. Ruda, Mr. Winstead and Ms. Le voted in favor of the motion. The motion passed.

- **Introduction of Resolution No. 04-02-16:** An Ordinance to amend Chapter 2, "Public Ethics", Sec. 2-6, "Financial Disclosure—Village Elected Officials and Candidates to be Village Elected Officials", to require that an applicant for appointment to an elected position file a Financial Disclosure Statement at the time the Certificate of Appointment is filed.

Ms. Leonard moved to authorize the staff to submit Resolution No. 04-02-16, as drafted to the State Ethics Commission for its approval. Mr. Crockett seconded the motion. Mr. Denger, Ms. Leonard, Mr. Crockett, Mr. Goodwin, Mr. Ruda, Mr. Winstead and Ms. Le voted in favor of the motion. The motion passed. Once approved by the State Ethics Commission, the Ordinance will be presented to the Village Board for adoption.

Commission and Committee Reports

Building Facilities Commission

- Reappoint Carole Lee (East Irving Street) as a member, term ending April 2021.

Mr. Crockett moved to reappoint Carole Lee (East Irving Street) as a member of the Building Facilities Commission, term ending April 2021. Ms. Le seconded the motion. Mr. Denger, Ms. Leonard, Mr. Crockett, Mr. Goodwin, Mr. Ruda, Mr. Winstead and Ms. Le voted in favor of the motion. The motion passed. The motion passed.

Parks & Greenspaces Committee

- Appoint Marguerite Kingston (Hesketh Street) as Co-Chair

Mr. Crockett moved to appoint Marguerite Kingston (Hesketh Street) as Co-Chair of the Parks & Greenspaces Committee. Mr. Ruda seconded the motion. Mr. Denger, Ms. Leonard, Mr. Crockett, Mr. Goodwin, Mr. Ruda, Mr. Winstead and Ms. Le voted in favor of the motion. The motion passed. The motion passed.

Police Report

The Police Report was distributed to the Board and posted to the Village website prior to the meeting. Discussion followed. *No formal action was taken by the Board.*

Manager's Report

The Manager's Report was circulated to the Board prior to the meeting.

- Letter to the County Council re: Comcast Franchise Agreement

Mr. Crockett moved to approve the proposed letter to County Council President Nancy Floreen and the Council's Government Operations and Fiscal Policy Committee stating the Village's appreciation for the county's negotiations on behalf of the municipalities in regard to the renewal of the Comcast Franchise Agreement, as drafted. Ms. Le seconded the motion. Mr. Denger, Ms. Leonard, Mr. Crockett, Mr. Goodwin, Mr. Ruda, Mr. Winstead and Ms. Le voted in favor of the motion. The motion passed. The motion passed.

Adjournment

Ms. Leonard moved to adjourn the meeting. Mr. Denger seconded the motion. Mr. Denger, Ms. Leonard, Mr. Crockett, Mr. Goodwin, Mr. Ruda, Mr. Winstead and Ms. Le voted in favor of the motion. The motion passed. The meeting adjourned at 8:39 p.m.

Attested by: Shana Davis-Cook, Village Manager

Final